

HOUSE BILL No. 5335

October 23, 2001, Introduced by Reps. Richner, Raczkowski, Sanborn and Birkholz and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 561 and 696 (MCL 168.561 and 168.696).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 561. (1) The ballots prepared by the board of election
2 commissioners in each county for use by the electors of a politi-
3 cal party at a primary election shall include the ~~names of all~~
4 ~~candidates~~ NAME OF EACH CANDIDATE of the political party for the
5 office of governor, United States senator, and district offices;
6 ~~—, and, in each~~ FOR THE county, the ~~names of all candidates~~
7 NAME OF EACH CANDIDATE of the political party for county offices;
8 ~~—, and —in~~ FOR each township, the ~~names of all candidates~~
9 NAME OF EACH CANDIDATE of the political party for township
10 offices.

1 (2) If, in a district ~~comprised of not more than~~ THAT IS A
2 COUNTY OR ENTIRELY WITHIN 1 county, 2 or more candidates,
3 including candidates for nonpartisan offices, for the same office
4 have the same or similar surnames, a candidate may file a written
5 request with the board of county election commissioners for a
6 clarifying designation. The request shall be filed not later
7 than 3 days after the last date for filing nominating petitions.
8 Not later than 3 days after the filing of the request, the board
9 of county election commissioners shall determine whether a simi-
10 larity exists and whether a clarifying designation should be
11 granted. In a district ~~comprised of~~ LOCATED IN more than 1
12 county, the board of state canvassers shall make a ~~like~~ deter-
13 mination ~~for~~ WHETHER TO GRANT a clarifying designation upon the
14 written request of a candidate who files nominating petitions
15 with the secretary of state. The request shall be filed with the
16 state board of canvassers not later than 5 days after the last
17 date for filing nominating petitions. The board of state can-
18 vassers shall make its determination at the same time it makes a
19 declaration of the sufficiency or insufficiency of nominating
20 petitions in compliance with section 552.

21 (3) In each instance, the determining board shall ~~notify~~
22 ~~the~~ IMMEDIATELY NOTIFY EACH CANDIDATE FOR THE SAME OFFICE AS THE
23 REQUESTER THAT A REQUEST FOR A CLARIFYING DESIGNATION HAS BEEN
24 MADE AND OF THE DATE, TIME, AND PLACE OF THE HEARING. THE
25 requester and ~~the other candidate affected of its~~ EACH CANDI-
26 DATE FOR THE SAME OFFICE SHALL BE NOTIFIED OF THE BOARD'S
27 determination by first-class mail sent within 24 hours after the

1 final date for the determination. A candidate who is
2 dissatisfied with the determination of the board of county elec-
3 tion commissioners may file an appeal in the circuit court of the
4 county where the board is located. ~~, and a~~ A candidate who is
5 dissatisfied with the determination of the board of state can-
6 vassers may file an appeal in the INGHAM COUNTY circuit court.
7 ~~of Ingham county,~~ THE APPEAL SHALL BE FILED within ~~7~~ 14 days
8 after the final date for determination by the board. ~~, and the~~
9 THE court shall hear the matter de novo. ~~In~~ EXCEPT AS PROVIDED
10 IN SUBSECTION (5), IN THE case of the same ~~surnames~~ SURNAME or
11 OF a final determination by the board ~~,~~ or by the court before
12 the latest date ~~on which~~ THAT the board can arrange ~~for~~ THE
13 BALLOT printing ~~of the ballots,~~ of the existence of similarity,
14 the board shall print the occupation or residence of each of the
15 candidates on the ballot or ballot labels under their respective
16 names. The term "occupation" ~~shall be construed to include~~
17 INCLUDES A CURRENTLY HELD political office, even though it is not
18 the candidate's principal occupation, but ~~shall~~ DOES not
19 include reference to a previous position or occupation.

20 (4) The name of a candidate shall be printed showing the
21 given name or abbreviation or initials of the given name of the
22 candidate. ~~, and, in the case of~~ IF THE CANDIDATE IS a married
23 woman, HER NAME shall not be printed showing the husband's given
24 name.

25 (5) UNLESS THERE ARE MORE THAN 2 CANDIDATES WITH THE SAME OR
26 SIMILAR SURNAMES, IF AN INCUMBENCY DESIGNATION IS PROVIDED FOR A
27 CANDIDATE BY SECTION 24 OF ARTICLE VI OF THE STATE CONSTITUTION

1 OF 1963, NO OTHER DESIGNATION SHALL BE PROVIDED FOR ANOTHER
2 CANDIDATE WITH THE SAME OR SIMILAR SURNAMES.

3 (6) ~~-(5)-~~ The board of state canvassers shall ~~prepare and~~
4 issue guidelines to ~~insure~~ ENSURE fairness and uniformity in
5 the granting of designations ~~—~~, and may ~~prepare and~~ issue
6 guidelines relating to what constitutes THE same or similar
7 surnames. The board of state canvassers and the boards of county
8 election commissioners shall follow the guidelines. ~~issued.~~

9 Sec. 696. (1) The board of election commissioners in each
10 county shall ~~cause~~ HAVE the ~~names of all candidates~~ NAME OF
11 EACH CANDIDATE for federal, state, district, county, and township
12 offices at ~~any~~ AN election ~~to be~~ printed on 1 ballot, sepa-
13 rate from any other ballot. The ~~names of all candidates~~ NAME
14 OF EACH CANDIDATE of each political party shall be placed in a
15 separate column on the ballot under the name and vignette of the
16 party with the name of each candidate opposite the name of the
17 office for which the candidate was certified to have been
18 nominated.

19 (2) If, in a district ~~comprised of not more than~~ THAT IS A
20 COUNTY OR ENTIRELY WITHIN 1 county, 2 or more candidates nomi-
21 nated by the same political party or by different political par-
22 ties for the same office, or nonpartisan candidates for the same
23 office, have the same or similar surnames, a candidate may file a
24 written request with the board of county election commissioners
25 for a clarifying designation. The request shall be filed not
26 later than 3 days after the certification of the RELEVANT
27 candidates. Not later than 3 days after the filing of the

1 request, the board of county election commissioners shall
2 determine whether a similarity exists and whether a clarifying
3 designation should be granted. In a district ~~comprised of~~
4 LOCATED IN more than 1 county, the board of state canvassers
5 shall make a ~~like~~ determination ~~for~~ WHETHER TO GRANT a clari-
6 fying designation upon the written request of a candidate who is
7 certified by the secretary of state. The request shall be filed
8 with the state board of canvassers not later than 3 days after
9 the state board of canvassers completes the canvass of the pri-
10 mary election in compliance with section 581 and the certifica-
11 tion of nominees in compliance with section 687. The board of
12 state canvassers shall make its determination not later than 3
13 days after the request is filed.

14 (3) In each instance, the determining board shall ~~notify~~
15 ~~the~~ IMMEDIATELY NOTIFY EACH CANDIDATE FOR THE SAME OFFICE AS THE
16 REQUESTER THAT A REQUEST FOR A CLARIFYING DESIGNATION HAS BEEN
17 MADE AND OF THE DATE, TIME, AND PLACE OF THE HEARING. THE
18 requester and ~~the other candidate affected of its~~ EACH CANDI-
19 DATE FOR THE SAME OFFICE SHALL BE NOTIFIED OF THE BOARD'S deter-
20 mination by first-class mail sent within 24 hours after the final
21 date for the determination. A candidate who is dissatisfied with
22 the determination of the board of county election commissioners
23 may file an appeal in the circuit court of the county where the
24 board is located. ~~, and a~~ A candidate who is dissatisfied with
25 the determination of the board of state canvassers may file an
26 appeal in the INGHAM COUNTY circuit court. ~~of Ingham county,~~
27 THE APPEAL SHALL BE FILED within ~~7~~ 14 days after the final date

1 for determination by the board. ~~and the~~ THE court shall hear
 2 the matter de novo. ~~In~~ EXCEPT AS PROVIDED IN SUBSECTION (4),
 3 IN THE case of the same ~~surnames~~ SURNAME or OF a final determi-
 4 nation by the board ~~,~~ or by the court before the latest date
 5 ~~on which~~ THAT the board can arrange for THE BALLOT printing ~~of~~
 6 ~~the ballots,~~ of the existence of similarity, the board shall
 7 print the occupation or residence of each of the candidates
 8 having the same or similar surnames on the ballot or ballot
 9 labels or slips to be placed on the voting machine, when used,
 10 under their respective names. The request may not be made by a
 11 candidate of a political party whose candidate for secretary of
 12 state received less than 10% of the total vote cast in the state
 13 for all candidates for secretary of state in the ~~last preceding~~
 14 MOST RECENT November election in which a secretary of state was
 15 elected. The term "occupation" ~~shall be construed to include~~
 16 INCLUDES A CURRENTLY HELD political office, even though it is not
 17 the candidate's principal occupation, but ~~shall~~ DOES not
 18 include reference to a previous position or occupation.

19 (4) UNLESS THERE ARE MORE THAN 2 CANDIDATES WITH THE SAME OR
 20 SIMILAR SURNAMES, IF AN INCUMBENCY DESIGNATION IS PROVIDED FOR A
 21 CANDIDATE BY SECTION 24 OF ARTICLE VI OF THE STATE CONSTITUTION
 22 OF 1963, NO OTHER DESIGNATION SHALL BE PROVIDED FOR ANOTHER CAN-
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 25 issue guidelines to ~~insure~~ ENSURE fairness and uniformity in
 26 the granting of designations ~~,~~ and may ~~prepare and~~ issue
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2 election commissioners shall follow the guidelines. ~~issued.~~